

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

REGINALD EUGENE HAYDEN,	:	CIVIL ACTION NO. 1:05-CV-1015
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
WARDEN HOGSTEN,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 8th day of August, 2005, upon consideration of the report of the magistrate judge (Doc. 4), recommending dismissal of the petition for writ of habeas corpus (Doc. 1) for lack of jurisdiction, and the objections thereto (Doc. 5), and following an independent review of the record, and it appearing that the petition for writ of habeas corpus (Doc. 1) was filed pursuant to 28 U.S.C. § 2241 and challenges the validity of a conviction and sentence entered by the United States District Court for the Western District of Virginia (Doc. 1), that the petitioner may challenge the validity of his conviction and sentence through an application for writ of habeas corpus in the district of sentencing pursuant to 28 U.S.C. § 2255, see id. (“An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained [by a court other than the sentencing court] . . . unless it . . . appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.”), and that potential legislative restrictions on petitioner’s ability to secure relief through an application for writ of habeas corpus in the district of

sentencing pursuant to 28 U.S.C. § 2255 do not render that remedy inadequate or ineffective, see, e.g., Okereke v. United States, 307 F.3d 117, 120-21 (3d Cir. 2002) (citing In re Dorsainvil, 119 F.3d 245, 251 (3d Cir. 1997)), it is hereby ORDERED that:

1. The report of the magistrate judge (Doc. 4) is ADOPTED.
2. The petition for writ of habeas corpus (Doc. 1) is DISMISSED for lack of jurisdiction.
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge